



U.S. Department of
Transportation

Office of the Secretary
of Transportation

DOCUMENTARY SERVICE DIVISION
Washington, D.C. 20590

97-12

Weekly Summary of Orders and
Regulations

MARCH 17- MARCH 21, 1997

Order	Docket	Summary	Date Action Taken
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97-3-14	OST-95-703	<p>(#) Published in the Federal Register.</p> <p>IN THE MATTER OF THE REVOCATION OF THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED TO ALPHAJET INTERNATIONAL, INC. PURSUANT TO THE PROVISIONS OF 14 CFR 204.7</p> <p>The Department, pursuant to 14 CFR 385.12, revokes the certificate of public convenience and necessity issued by Order 96-2-57, dated February 29, 1996 , to AlphaJet International, Inc., under 49 U.S.C. 41102, authorizing it to engage in interstate charter air transportation of persons, property, and mail, without prejudice.</p> <p>Served 3-19-97</p>	3-13-97
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97-3-15	48415 46097 45660 OST-96-1189 49911 OST-95-891 49948 48706 42309 OST-95-280 45704 48228 47506	<p>APPLICATIONS OF 967004 ONTARIO LIMITED, D/B/A BTA AVIATION; AEROPUMA, S.A.; CHALLENGAIR, S.A. D/B/A BELGIUM CHALLENGAIR; EXECUTIVE AIRLINES; JETALL AIRWAYS, INC.; KRASNOYARSK AIRLINES D/B/A KRASAIR; POLYNESIAN AIRLINES (HOLDINGS) LIMITED; SKYJET, S.A.; SWISSAIR, SWISS AIR TRANSPORT COMPANY, LTD.; TRANSPORTES AEROS GUATEMALTECOS (TAG); TNT SAVA SERVICIOS AEREOS DO VALE AMAZONICA, S.A. FOR PERMITS, EXEMPTIONS OR OTHER AUTHORITIES UNDER TITLE 49 OF THE UNITED STATES CODE</p> <p>The Department, pursuant to 14 C.F. R. 385.13, dismisses the applications described in the appendix to this order.</p> <p>Served 3-18-97</p>	3-13-97
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Intervening numbers appeared on a previous summary

Order	Docket	Summary	Date Action Taken
97-3-20	Undoc'd	<p>MIAMI AIR INTERNATIONAL, INC. VIOLATIONS OF 49 U.S.C. SECTION 41708 AND 14 CFR PART 241</p> <p>The Department directs Miami Air to cease and desist from future violations of the above-mentioned Departmental Regulation and to pay compromise civil penalties assessed at \$20,000.</p> <p>Served 3-17-97</p>	3-17-97
97-3-21	Undoc'd	<p>FITNESS DETERMINATION OF CASINO AIRLINES, INC. AS A COMMUTER AIR CARRIER UNDER SECTION 49 U.S.C. 41738</p> <p>The Department finds that Casino Airlines, Inc., is fit, willing, and able under the regulations to provide scheduled passenger service as a commuter air carrier, and therefore issues a Commuter Air Carrier Authorization to the airline, subject to the Terms, Conditions, and Limitations attached to the Order. The Department directs Casino Airlines, Inc. to notify us in writing at least 45 days in advance of any plans to operate more than four aircraft or to operate any aircraft with a seating capacity of more than 30 passenger seats.</p> <p>Served 3-17-97</p>	3-17-97
97-3-22	Undoc'd	<p>AMERICA WEST AIRLINES, INC. VIOLATIONS OF 49 U.S.C. SECTION 41712 AND 14 CFR PART 399</p> <p>The Department orders America West Airlines, Inc., and all other entities owned or controlled by or under common ownership with the airlines and their successors and assignees to cease and desist from further violations of 14 CFR 399.84 and 49 U.S.C Section 41712 and assesses the airlines \$20,000 in compromise of civil penalties to be made by wire transfer through the Federal Reserve Communications System to the account of the U.S. Treasury.</p> <p>Served 3-18-97</p>	3-18-97
97-3-23	OST-96-1219	<p>APPLICATION OF REGAL AIR INTERNATIONAL, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE SCHEDULED AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL</p> <p>The Department dismisses, without prejudice, the application filed in Docket OST-96-1219 by Regal Air International, Inc., for a certificate of public convenience and necessity</p> <p>Served 3-21-97</p> <p>Intervening number has not been issued</p>	3-18-97

Order	Docket	Summary	Date Action Taken
97-3-25	OST-96-1868	<p>APPLICATION OF U. S. CALJET AIRLINES, INC. d/b/a CALJET AIRLINES FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE SCHEDULED AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL</p> <p>The Department tentatively concludes that U.S. Caljet Airlines, is fit, willing, and able to provide interstate air transportation of persons, property, and mail as a certificated air carrier and therefore directs all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions. The Department also directs any interested persons having objection to the issuance of an order or the certificate award to file them with the Department no later than 15 days after the service date of this order; answers to objections shall be filed no later than 10 days thereafter.</p> <p>The Department grants the request of U.S. Caljet Airlines, Inc. to withhold from public disclosure the information contained in Supplement Number 5 to its application.</p> <p>Served 3-24-97</p>	3-18-97
97-3-26	OST-96-1965	<p>MIAMI INTERNATIONAL AIRPORT RATES PROCEEDING</p> <p>The Department finds that the landing and terminal fees charged the airlines by Dade County for Miami International Airport are unreasonable and therefore unlawful under 49 U. S. C. 40116, 47107 and 47129, insofar as the fees include charge for the costs of building a new FAA control tower other than planning costs; the Department finds that the terminal and landing fees at the airport are otherwise reasonable insofar as those fees are affected by the costs of the Capital Improvement Program and the A/D Concourse; the Department's determination that the terminal and landing fees are reasonable is subject to conditions contained within the order. The Department adopts the findings made by Administrative Law Judge Ronnie A. Yoder in his recommended decision; and requests the FAA to dismiss <u>Complaint of Air Canada et al. v. Dade County</u>, FAA Docket No. 13-96-20</p> <p>Served 3-19-97</p>	3-19-97
7-3-27	OST-97-2113	APPLICATIONS OF ALITALIA-LINEE AEREE	3-20-97

Order	Docket	Summary	Date Action Taken
	Undoc'd	<p>ITALIANE-S.p.A FOR AN EXEMPTION FROM 49 U.S.C. SECTION 41301 (ROME/MILAN-NEWARK/ATLANTA) AND</p> <p>CONTINENTAL AIRLINES, INC. FOR A STATEMENT OF AUTHORIZATION UNDER PART 207 OF THE DEPARTMENT'S REGULATIONS (NEWARK-ATLANTA)</p> <p>The Department exempts Alitalia-Linee Aeree Italiane-S.p.A. from the provisions of 49 U.S.C. Section 41301 to the extent necessary to engage in scheduled foreign air transportation of persons, property, and mail between the coterminal points, Rome and Milan, Italy and the coterminal points Newark, New Jersey, and Atlanta Georgia and grants Continental Airlines, Inc., a statement of authorization under Part 207 of the Department's regulations, to place Alitalia's airline designator code on up to seven weekly flights operated by Continental between Newark and Atlanta , effective immediately and shall remain in effect through November 22, 1998</p> <p>The authorities granted are subject to the frequency limitations set forth in the 1990 MOU and upon request, the parties will provide to Director, Office of International Aviation, a full description of the services operated under the authorities granted to ensure compliance with the provisions of the MOU. The Department expects Continental Airlines, Inc. and Alitalia-Linee Aeree Italian-S.p.A. to comply with 14 CFR 399.88 and any amendments to the Department's regulations concerning co-share arrangements that may be adopted. The approvals and authorizations granted shall be subject to the conditions that neither Continental nor Alitalia shall give any force or effect to any exclusivity provisions of their arrangement.</p> <p>The Department dismisses the joint motion of United Air Lines, Inc., and Lufthansa German Airlines to consolidate Lufthansa's 1994 undocketed application to engage in code sharing between Frankfurt and Italy into this proceeding; and grants the motion of United Air Lines, Inc. for leave to file an otherwise unauthorized document in this proceeding.</p> <p>Served 3-20-97</p>	

Order	Docket	Summary	Date Action Taken
		Intervening number has not been issued	
97-3-29	OST-97-2111 OST-97-2139	The Department approves and grants antitrust immunity to the IATA Agreements, subject, where applicable, to conditions previously imposed which modify the recently adopted fuel-related fare increases. Served 3-25-97	3-20-97
97-3-30	OST-96-1955	ESSENTIAL AIR SERVICE AT MATTOON, ILLINOIS UNDER 49 U.S.C. 41731 <i>et seq.</i> The Department requires Great Lakes Aviation Ltd., to maintain essential air service at Mattoon, Illinois, as set forth in Appendix D of Order 97-1-21, for an additional 30-day period through April 21, 1997, or until a carrier capable of providing reliable replacement service actually begins service, whichever occurs first. Served 3-26-97	3-20-97
97-3-31	OST-97-2070	APPLICATION OF TURKISH AIRLINES (TURK HAVA YOLLARI A.O.) FOR AN EXEMPTION FROM SUBPARTS K AND S OF PART 93 OF TITLE 14, CODE OF FEDERAL REGULATIONS PURSUANT TO 49 U.S.C. SECTION 41714 (b)(1) The Department grants a temporary exemption from the Regulation to Turkish Airlines, Inc., to the extent necessary to permit Turkish Airlines to operate scheduled arrivals at Chicago's O'Hare International Airport on Wednesdays and Fridays at 12:55 P.M.; and to operate scheduled departures from Chicago O'Hare International Airport on Wednesdays and Fridays at 3:00 P.M. (all times are local time). As conditions of approval, Turkish Airlines may use this exemption authority only to provide service between Istanbul, Turkey and the terminal point Chicago, Illinois and the Department directs that all aircraft operations under this exemption must be provided by Stage 3 aircraft; the authority granted is subject to all of the other requirements delineated in 14 C.F.R. Part 93, Subparts K and S. Continued.....	3-21-97

Order	Docket	Summary	Date Action Taken
97-3-31	OST-97-2070	Continued The Department directs Turkish Airlines to notify the Federal Aviation Administration's Slot Administration Office as to the start-up date for the exemptions granted. The FAA will assign slot withdrawal numbers for each slot exemption time listed. The temporary slot allocation provided for is effective commencing on May 7, 1997, and expires on October 26, 1997. The Department grants all motions for leave to file otherwise unauthorized documents. Served 3-21-97	3-21-97
97-3-32	OST-96-2026	The Department approves and grants antitrust immunity to the IATA Agreement, subject where applicable, to conditions previously imposed which adjusts normal (first, intermediate, and economy class) one-way fares and round trip excursion fares from Hong Kong to Pago Pago and Guam, and normal fares from Guam to Hong Kong, to reflect levels currently in effect in carrier tariffs filed with the governments of Hong Kong and the United States. Selected excursion fares between Hong Kong and Guam were similarly adjusted to reflect market levels on file with the respective governments. Served 3-27-97	3-21-97
ORDERS NOT RELEASED AS OF MARCH 21, 1997: 97-3-24 AND 97-3-28			

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